

Hon. Richard A. Jones

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

JAIED GAGE WILLIAMS

Defendant.

NO. 2:17-CR-108-RJ

**PLEA AGREEMENT**

The United States of America, by and through Billy J. Williams, United States Attorney for the District of Oregon, and Ravi Sinha, Assistant United States Attorney for the District Oregon (designated as a Special Assistant United States Attorney for the Western District of Washington), and Jaied Gage Williams and his attorney, Terrence Kellogg, enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure Rule 11(c)(1)(B):

1. **The Charges.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters pleas of guilty to the following charges contained in the Indictment:

1           a.     Assault on a Federal Officer or Employee, as charged in Count 1, in  
2 violation of Title 18, United States Code, Section 111(a);

3           b.     Deprivation of Government Property, as charged in Count 3, in  
4 violation of Title 18, United States Code, Section 1361.

5           By entering these pleas of guilty, Defendant hereby waives all objections to the  
6 form of the charging document. Defendant further understands that, before entering his  
7 guilty pleas, he will be placed under oath. Any statement given by Defendant under oath  
8 may be used by the United States in a prosecution for perjury or false statement.

9           2.     **Elements of the Offenses.** The elements of the offenses to which  
10 Defendant is pleading guilty are as follows:

11           a.     The elements of Assault on a Federal Officer or Employee, as  
12 charged in Count 1, are as follows:

13                 *First*, Defendant forcibly assaulted a federal officer or employee;

14                 *Second*, Defendant did so while the federal officer or employee was engaged in, or  
15 on account of his official duties; *and*

16                 *Third*, Defendant made physical contact with the federal officer or employee.

17           b.     The elements of Deprivation of Government Property, as charged in  
18 Count 3, are as follows:

19                 *First*, Defendant willfully injured or damaged, or attempted to injure or damage,  
20 property;

21                 *Second*, the property belonged to the United States, or any department or  
22 agency of the United States; *and*

23                 *Third*, the damage exceeded the sum of \$1,000.00.

24           3.     **The Penalties.** Defendant understands that the statutory penalties  
25 applicable to the offenses to which he is pleading guilty are as follows:

1           a.     For the offense of Assault on a Federal Officer or Employee, as  
2 charged in Count 1: A maximum term of imprisonment of up to eight years, a fine of up  
3 to \$250,000.00, a period of supervision following release from prison of up to three  
4 years, and a mandatory special assessment of \$100.00. If a probationary sentence is  
5 imposed, the probation period can be for up to five years. Defendant agrees that the  
6 special assessment shall be paid at or before the time of sentencing.

7           b.     For the offense of Deprivation of Government Property, as charged  
8 in Count 3: A maximum term of imprisonment of up to ten years, a fine of up to  
9 \$250,000.00, a period of supervision following release from prison of up to three years,  
10 and a mandatory special assessment of \$100.00. If a probationary sentence is imposed,  
11 the probation period can be for up to five years. Defendant agrees that the special  
12 assessment shall be paid at or before the time of sentencing.

13           Defendant understands that supervised release is a period of time following  
14 imprisonment during which he will be subject to certain restrictive conditions and  
15 requirements. Defendant further understands that if supervised release is imposed and he  
16 violates one or more of the conditions or requirements, Defendant could be returned to  
17 prison for all or part of the term of supervised release that was originally imposed. This  
18 could result in Defendant's serving a total term of imprisonment greater than the statutory  
19 maximum stated above.

20           Defendant understands that as a part of any sentence, in addition to any term of  
21 imprisonment and/or fine that is imposed, the Court may order Defendant to pay  
22 restitution to any victim of the offense, as required by law.

23           Defendant agrees that any monetary penalty the Court imposes, including the  
24 special assessment, fine, costs, or restitution, is due and payable immediately and further  
25 agrees to submit a completed Financial Statement of Debtor form as requested by the  
26 United States Attorney's Office for the District of Oregon.

1           4.     **Rights Waived by Pleading Guilty.** Defendant understands that by  
2 pleading guilty, he knowingly and voluntarily waives the following rights:

- 3           a.     The right to plead not guilty and to persist in a plea of not guilty;  
4           b.     The right to a speedy and public trial before a jury of his peers;  
5           c.     The right to the effective assistance of counsel at trial, including, if  
6 Defendant could not afford an attorney, the right to have the Court  
7 appoint one for him;  
8           d.     The right to be presumed innocent until guilt has been established  
9 beyond a reasonable doubt at trial;  
10          e.     The right to confront and cross-examine witnesses against Defendant  
11 at trial;  
12          f.     The right to compel or subpoena witnesses to appear on his behalf at  
13 trial;  
14          g.     The right to testify or to remain silent at trial, at which trial such  
15 silence could not be used against Defendant; and  
16          h.     The right to appeal a finding of guilt or any pretrial rulings.

17          5.     **Ultimate Sentence.** Defendant acknowledges that no one has promised or  
18 guaranteed what sentence the Court will impose.

19          6.     **Restitution.** Defendant agrees that, pursuant to 18 U.S.C. §3663A and  
20 U.S.S.G. 5E1.1 (a) and (b), he shall be ordered to pay mandatory restitution, directing  
21 Defendant to pay the victim "the full amount of the victim's losses," to include but not  
22 limited to, pursuant to § 3663 (b)(2)(A), medical services relating to physical, psychiatric,  
23 or psychological care, or any other losses suffered by the victims as a proximate result of  
24 the offenses.

25          7.     **Statement of Facts.** The parties agree on the following facts. Defendant  
26 admits he is guilty of Counts 1 and 3 of the Indictment:

On March 17, 2017, in the Western District of Washington, Defendant, Jaied Gage Williams, entered the lobby of the United States Attorney's Office for the Western District of Washington located at 700 Stewart Street in Seattle, Washington ("USAO"). Shortly after entering, Defendant told a female USAO employee—who was seated at the reception desk, behind a short wall and a thick pane of safety glass—that he wanted to speak to an attorney. While Defendant was conversing with the female USAO employee, two other USAO employees (one female and one male) exited the secure area of the USAO office and entered the lobby. When the two USAO employees entered the lobby, Defendant turned to face the male USAO employee, began shouting, and moved aggressively toward the male USAO employee. Defendant then forcibly assaulted the male USAO employee—who was, at all relevant times, a federal employee engaged in his official duties—by physically striking him in the head or neck area with a closed fist.

After being struck by Defendant, the male USAO employee was able to exit the lobby. Defendant then turned his attention back to the reception desk and a thick pane of safety glass. Having grown agitated, Defendant picked up a stone award that he found in the USAO lobby and threw it at the safety glass, causing a large, spiderweb-like crack in the glass. By doing so, Defendant willfully caused over \$1000.00 worth of damage to the safety glass—which, at all relevant times, was the property of the United States Government.

**8. United States Sentencing Guidelines.** Defendant understands and acknowledges that the Court must consider the sentencing range calculated under the United States Sentencing Guidelines and possible departures under the Sentencing Guidelines together with the other factors set forth in Title 18, United States Code, Section 3553(a), including: (1) the nature and circumstances of the offenses; (2) the history and characteristics of the defendant; (3) the need for the sentence to reflect the seriousness of the offenses, to promote respect for the law, and to provide just

1 punishment for the offenses; (4) the need for the sentence to afford adequate deterrence to  
2 criminal conduct; (5) the need for the sentence to protect the public from further crimes  
3 of the defendant; (6) the need to provide the defendant with educational and vocational  
4 training, medical care, or other correctional treatment in the most effective manner; (7)  
5 the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the  
6 need to avoid unwarranted sentence disparity among defendants involved in similar  
7 conduct who have similar records. Accordingly, Defendant understands and  
8 acknowledges that:

9           a.     The Court will determine applicable Defendant's Sentencing  
10 Guidelines range at the time of sentencing;

11           b.     After consideration of the Sentencing Guidelines and the factors in  
12 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the  
13 maximum term authorized by law;

14           c.     The Court is not bound by any recommendation regarding the  
15 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines  
16 range offered by the parties or the United States Probation Department, or by any  
17 stipulations or agreements between the parties in this Plea Agreement; and

18           d.     Defendant may not withdraw his guilty pleas solely because of the  
19 sentence imposed by the Court.

20        9.     **Acceptance of Responsibility.** At sentencing, *if* the district court  
21 concludes Defendant qualifies for a downward adjustment acceptance for acceptance of  
22 responsibility pursuant to USSG § 3E1.1(a) and the defendant's offense level is 16 or  
23 greater, the United States will make the motion necessary to permit the district court to  
24 decrease the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b),  
25 because Defendant has assisted the United States by timely notifying the United States of  
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28

his intention to plead guilty, thereby permitting the United States to avoid preparing for trial and permitting the Court to allocate its resources efficiently.

10. **Sentencing Factors.** The parties agree that the following Sentencing Guidelines provisions apply to this case:

a. *Count 1:*

Base offense level [U.S.S.G. § 2A2.4 (a)] ..... 10  
Physical contact [U.S.S.G. § 2A2.4 (b)(1)] ..... +3

b. *Count 3:*

Base offense level [U.S.S.G. § 2B1.1(a)] ..... 6  
Loss value [U.S.S.G. § 2B1.1(b)(1)(B)] ..... +2

Notably, the parties have not reached an agreement regarding (1) Defendant's criminal history score or (2) the applicability of the two-level enhancement contained in U.S.S.G. § 2A2.4 (b)(2) to Count 1.

The parties agree they are free to present arguments regarding the applicability of all other provisions of the United States Sentencing Guidelines. Defendant understands, however, that at the time of sentencing, the Court is free to reject these stipulated adjustments, and is further free to apply additional downward or upward adjustments in determining Defendant's Sentencing Guidelines range.

11. **United States' Sentencing Recommendation.** If Defendant pleads guilty to Counts 1 and 3 of the Indictment pursuant to this Plea Agreement, the United States Attorney's Office for the District of Oregon agrees to seek a sentence within Defendant's Sentencing Guidelines range.

12. **Non-Prosecution of Additional Offenses.** As part of this Plea Agreement, the United States Attorney's Office for the District of Oregon agrees not to prosecute Defendant for any additional offenses known to it as of the time of this Plea Agreement that are based upon evidence in its possession at this time, and that arise out of the

1 conduct giving rise to this investigation. In this regard, Defendant recognizes the United  
2 States has agreed not to prosecute all of the criminal charges the evidence establishes  
3 were committed by Defendant solely because of the promises made by Defendant in this  
4 Plea Agreement. Defendant agrees, however, that for purposes of preparing the  
5 Presentence Report, the United States Attorney's Office will provide the United States  
6 Probation Office with evidence of all conduct committed by Defendant.

7 Defendant agrees that any charges to be dismissed before or at the time of  
8 sentencing were substantially justified in light of the evidence available to the United  
9 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant  
10 with a basis for any future claims under the "Hyde Amendment," Pub.L. No. 105-119  
11 (1997).

12 13. **Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that if  
13 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea  
14 Agreement and Defendant may be prosecuted for all offenses for which the United States  
15 has evidence. Defendant agrees not to oppose any steps taken by the United States to  
16 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea  
17 Agreement. Defendant also agrees that if Defendant is in breach of this Plea Agreement,  
18 Defendant has waived any objection to the re-institution of any charges in the Indictment  
19 that were previously dismissed or any additional charges that had not been prosecuted.

20 Defendant further understands that if, after the date of this Plea Agreement,  
21 Defendant should engage in illegal conduct, or conduct that violates any conditions of  
22 release or the conditions of his confinement, (examples of which include, but are not  
23 limited to, obstruction of justice, failure to appear for a court proceeding, criminal  
24 conduct while pending sentencing, and false statements to law enforcement agents, the  
25 Pretrial Services Officer, Probation Officer, or Court), the United States is free under this  
26 Plea Agreement to file additional charges against Defendant or to seek a sentence that

1 takes such conduct into consideration by requesting the Court to apply additional  
 2 adjustments or enhancements in its Sentencing Guidelines calculations in order to  
 3 increase the applicable advisory Guidelines range, and/or by seeking an upward departure  
 4 or variance from the calculated advisory Guidelines range. Under these circumstances,  
 5 the United States is free to seek such adjustments, enhancements, departures, and/or  
 6 variances even if otherwise precluded by the terms of the Plea Agreement.

7 **14. Waiver of Appellate Rights and Rights to Collateral Attacks.**

8 Defendant acknowledges that by entering the guilty pleas required by this Plea  
 9 Agreement, Defendant waives all rights to appeal from his conviction and any pretrial  
 10 rulings of the court. Defendant further agrees that, provided the court imposes a custodial  
 11 sentence that is within or below the Sentencing Guidelines range (or the statutory  
 12 mandatory minimum, if greater than the Guidelines range) as determined by the court at  
 13 the time of sentencing, Defendant waives to the full extent of the law:

14 a. Any right conferred by Title 18, United States Code, Section 3742,  
 15 to challenge, on direct appeal, the sentence imposed by the court, including any fine,  
 16 restitution order, probation or supervised release conditions, or forfeiture order (if  
 17 applicable); and

18 b. Any right to bring a collateral attack against the conviction and  
 19 sentence, including any restitution order imposed, except as it may relate to the  
 20 effectiveness of legal representation; and

21 This waiver does not preclude Defendant from bringing an appropriate motion  
 22 pursuant to 28 U.S.C. § 2241, to address the conditions of his confinement or the  
 23 decisions of the Bureau of Prisons regarding the execution of his sentence.

24 If Defendant breaches this Plea Agreement at any time by appealing or collaterally  
 25 attacking (except as to effectiveness of legal representation) the conviction or sentence in  
 26 any way, the United States may prosecute Defendant for any counts, including those with

1 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea  
2 Agreement.

3 15. **Voluntariness of Plea.** Defendant agrees that he has entered into this Plea  
4 Agreement freely and voluntarily and that no threats or promises, other than the promises  
5 contained in this Plea Agreement, were made to induce Defendant to enter his pleas of  
6 guilty.

7 16. **Statute of Limitations.** In the event this Plea Agreement is not accepted  
8 by the Court for any reason, or Defendant has breached any of the terms of this Plea  
9 Agreement, the statute of limitations shall be deemed to have been tolled from the date of  
10 the Plea Agreement to: (1) thirty (30) days following the date of non-acceptance of the  
11 Plea Agreement by the Court; or (2) thirty (30) days following the date on which a breach  
12 of the Plea Agreement by Defendant is discovered by the United States Attorney's  
13 Office.

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UNITED STATES ATTORNEY  
FOR THE DISTRICT OF  
OREGON  
1000 SOUTHWEST THIRD AVENUE  
SIXTH FLOOR  
PORTLAND, OREGON 97209  
(503) 727-1000

Jared Williams

Reverend Kellogg

  
Ravi Sinha  
Special Assistant United States Attorney